

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-246-E - ORDER NO. 2008-726
DECEMBER 12, 2008

IN RE: Mamie Jackson)	ORDER DISMISSING
)	COMPLAINT
Complainant/Petitioner)	
)	
vs.)	
)	
South Carolina Electric & Gas Company)	
)	
Defendant/Respondent)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Motion to Dismiss filed by South Carolina Electric & Gas Company (“SCE&G”) in response to a Complaint filed by Mamie Jackson.¹ Jackson’s June 24, 2008 Complaint stems from a dispute over the security deposit required to transfer electric service to a new residence. Jackson sought to pay a \$50 deposit, but SCE&G requested a \$200 deposit based on her past credit history and recent write-offs. Ultimately, the parties agreed to a lower deposit of \$150 with \$50 to be paid upfront and the balance to be billed in \$50 increments over the following two months.

¹ Jackson’s Complaint seeks the following relief: “1) Order SCE&G to install a public access phone free of charge independent of the security desk for customers; 2) order SCE&G to produce all notes, documents, on the computer screen to explain a) the hostile treatment of its clerk and b) the calling of SCANA security because I came; 3) order SCE&G to evaluate its security deposit based on ability to pay; 4) order an investigation of the discriminatory treatment of Jackson by ORS staff and SCE&G; 5) investigate as to whether consumer affairs works in the public interest; and 6) request a \$50 deposit pending outcome of hearing and/or appeal.”

On September 12, 2008, SCE&G filed a Motion to Dismiss Jackson's Complaint on the grounds that the Complaint is moot because of their agreement to a \$150 deposit or alternatively that the Complaint is outside the jurisdiction of the Commission because Jackson fails to state a claim that the Commission has the authority to remedy. Jackson's response to the Motion to Dismiss was not received by the Commission until October 27, 2008, well past the ten day response deadline allowed by 26 S.C. Code Ann. Regs. 103-829 (September 28, 2007). Moreover, Jackson's response failed to address the substance of SCE&G's Motion.² As a result, we find that the Motion to Dismiss remains unopposed.

Although unrelated to the Motion to Dismiss, a discussion also arose in this docket concerning under what circumstances an electric utility can take action to terminate power while a customer's complaint is pending. This Commission believes a separate and independent proceeding should be opened to address the application of Regulation 103-345(B) and any other applicable Commission regulations in regard to termination of service for matters unrelated to a pending complaint.

IT IS THEREFORE ORDERED:

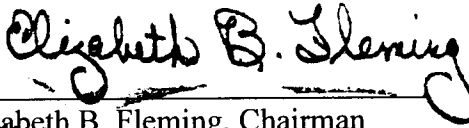
1. The Motion to Dismiss filed by SCE&G is granted.
2. Mamie Jackson's Complaint is dismissed.

² Subsequently, numerous other hand written letters have been submitted by Jackson, yet all still fail to address the Motion to Dismiss and remain, as mentioned, outside the procedural time to respond. In addition, Jackson has failed to file prefiled testimony in this Docket as required by 26 S.C. Code Ann. Regs. 103-845(C) (September 28, 2007). Notice of the prefiled testimony requirement was published to the parties on August 20, 2008, and mailed to the parties on the same date.

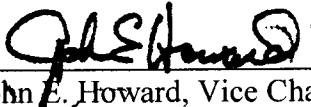
3. A separate proceeding will be opened to evaluate under what circumstances an electric utility may take action to terminate power while a customer's complaint is pending.

4. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)